

REMARKS

Claims 1-20 are pending in the application, with claims 1-10 and 12-20 being withdrawn and herein cancelled due to the restriction requirement. Claim 11 has been amended to define how the mould plate form is obtained and utilized in the process to manufacture chocolate.

On June 25, 2010, claim 11 was elected by the undersigned. Claim 11 as elected includes all of the current steps set forth in said claim, and it is believed that each of said recited steps should be considered with respect to patentability.

Claim 11 has been rejected under 35 U.S.C. §102 as being anticipated by Lucas, et al, WO 97/39636. It is respectfully submitted that the Lucas reference cannot anticipate the invention set forth in independent claim 11. Lucas does not include a scope and content that teaches the steps of obtaining a mould plate former by assembling a former plate, having a planar surface bounded by a border corresponding to the external dimensions of the mould plate; producing a plurality of former shapes, corresponding to the recesses to be formed in the mould plate; locating the former shapes in a template operable to locate the former shapes on the former plate; applying adhesive to the former shapes; and locating the former shapes on the former plate, using the template, to fix the former shapes to the former plate; producing a rubber mould plate using the mould plate former by mixing a silicone rubber compound with a hardener to form a solution; applying a vacuum to the solution to remove at least the majority of the air bubbles in the solution; pouring a preset weight of the solution into a mould former, and allowing the solution to settle; applying a clamping pressure to the mould assembly and allowing the silicone rubber to at least initially cure; and allowing the rubber to post cure before use.

As Applicant was not made aware that the indicated limitations would be ignored or not considered by the Examiner at the time of election, it is noted that claim 11 would not have been elected. As the Applicant has limited funds, consideration of this amendment and each of the limitations set forth in claim 11 is earnestly solicited.

With this Amendment new claim 21 has been added in order to further define the method for manufacturing chocolates in accordance with claim 11 originally elected. The


method for manufacturing chocolates includes the steps of engraving images according to the design on the graphics plate as well as obtaining a mould plate by the indicated steps. The mould plate and graphics plate is combined as indicated within the further recited steps to produce the chocolate according to the claimed manufacturing method. As the claim is directed to using the indicated components to form chocolates, consideration thereof is earnestly solicited.

New claims 22 and 23 relate to subject matter set forth on page 21, lines 13-15 wherein the mould plate is additionally trimmed to enable a further chocolate coloured border to be formed around the designs of the first chocolate colour. The cited WO 97/39636 reference cannot anticipate nor teach or suggest the same.

Should the Examiner have any questions or concerns regarding this response a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO., L.P.A.

A handwritten signature in dark ink, appearing to read "Daniel J. Hudak, Jr.", is written over a light blue horizontal line.

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